

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DION L. BAKER,	)	
	)	
Plaintiff,	)	8:05cv248
	)	
vs.	)	ORDER
	)	
DOUGLAS COUNTY CORRECTIONAL	)	
CENTER MEDICAL DEPARTMENT,	)	
	)	
Defendants.	)	

This matter is before the court for initial review of the complaint filed by the plaintiff, Dion L. Baker, who filed this action while a prisoner in the custody of the Douglas County Correctional Center ("DCCC"). Although the named defendant in this action is the DCCC Medical Department, the intended defendant may actually be Douglas County, Nebraska, which oversees the DCCC and is responsible for the operations and policies at the jail. The DCCC, the Department of Corrections, other departments, and other units within the County lack the capacity to sue or be sued in their own names.

In the alternative, the intended defendant in this case may be the private company which, pursuant to a contract with the County, provides medical services to the inmates at DCCC. At any rate, until the identity of the intended defendant has been clarified, service of process cannot be accomplished.

IT IS THEREFORE ORDERED:

1. That by September 19, 2005, the plaintiff shall file an Amended Complaint identifying whether the intended defendant is Douglas County, Nebraska or the medical provider which has contracted with Douglas County to provide medical services to inmates at DCCC; and

2. That in the absence of an Amended Complaint by September 19, 2005, this action may be subject, without further notice, to dismissal without prejudice by District Judge Richard G. Kopf.

DATED this 2<sup>nd</sup> day of September, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge